



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,171	12/29/2000	Victor R. Sanchez	CASIPA24R2	9702
7590	12/17/2002			
Myers, Dawes & Andras 19900 MacArthur Boulevard Suite 1150 Irvine, CA 92612			EXAMINER	
			CORBIN, ARTHUR L	
		ART UNIT	PAPER NUMBER	15
		1761		
DATE MAILED: 12/17/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

The fact that applicant could have filed a CPA in the parent reissue is distinct from the facts of this continuation reissue since only 1 reissue patent would have issued to cover all errors whereas applicant now seeks a 2nd reissue patent. In re Doll is distinguished from the instant factual situation, as set forth at pages 3-4, paper no. 11.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED: 15

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

- a) is extended to run _____ or continues to run _____ from the date of the final rejection
b) expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).

Applicant's response to the final rejection, filed 11-27-02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
 - They raise new issues that would require further consideration and/or search. (See Note).
 - They raise the issue of new matter. (See Note).
 - They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

2. Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. Upon the filing an appeal, the proposed amendment will be entered will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: _____

However:

Applicant's response has overcome the following rejection(s): _____

4. The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because *the fact that applicant could have filed a - P. 1 in the proposed claims is disclosed. The fact of the continuation application gives only a new patent and has issued to cover the same claims.*

5. The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

As stated above, as set forth on page 3 & 4, Page P-11.

The proposed drawing correction has has not been approved by the examiner.

Other


ARTHUR L. CORBIN
PRIMARY EXAMINER